IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9126 OF 2005

Smt.Saral Anand Aroskar Petitioner

versus

The Charity Commissioner,
M.S. Mumbai and others Respondents

Mr.V.S.Gokhale for petitioner.

Mr.A.H.Palekar, AGP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15th February 2006

PC :

1. After hearing Shri Gokhale appearing for the petitioner, in my view, appropriate course would be that the order of the Deputy Charity Commissioner dated 11th April 2005 rejecting application under section 41A be substituted by the following order.

2. The application under section 41A preferred by the petitioner-applicant should be considered along with Change Report which is presently under consideration of the Deputy Charity Commissioner.

3. It is not necessary to issue notice to the respondents while adopting above course of action because in the order under challenge the Deputy Charity Commissioner has observed that the relief sought in the application under section 41A of the Bombay Public Trusts Act has a direct bearing on the controversy involved in the Change Report proceedings. Interest of justice, therefore, requires that both applications be taken up together. Moreso, when the authority deciding the same is Deputy Charity Commissioner. The Deputy Charity Commissioner is, therefore, directed to decide present application u/s 41A along with Change Report. Both proceedings be decided expeditiously and in any event within a period of six months from today. All contentions of both sides on merits are expressly kept open. Petition disposed of.

(S.C.DHARMADHIKARI, J.)